

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Group Art Unit: 1796

Torsten Gottschalk-Gaudig et al.

Examiner: Daniel S. Metzmaier

Serial No.:

10/599,026

Filed:

May 31, 2007

For:

PARTICLE-STABILISED EMULSIONS

Attorney Docket No.: WAS 0809 PUSA

## TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION (37 C.F.R. § 1.321(c))

Commissioner for Patents U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The undersigned is an Attorney of Record in the above-captioned U.S. Patent Application Serial No. 10/599,026, and is authorized to act on behalf of the Assignee.

Wacker Chemie AG is the owner of the entire interest in the above-captioned U.S. Patent Application by virtue of an assignment, recorded on November 9, 2006 at Reel 018501, Frame 0369.

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## CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8 (FIRST CLASS MAIL)

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

July 30, 2010

William G. Conger Name of Person Signing **Date of Deposit** 

S/N: 10/599,026 Atty Dkt No.: WAS 0809 PUSA

Reply to Office Action of March 31, 2010

Assignee hereby disclaims the terminal part of the statutory term of any patent granted on the above-captioned U.S. Patent Application which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent granted on U.S. Patent Application Serial No. 11/573,379, and U.S. Patent No. 7,541,405. Assignee hereby agrees that any patent so granted on the above-captioned U.S. Patent Application shall be enforceable only for and during such period that it and any patent granted on U.S. Patent Application Serial No. 11/573,379, and U.S. Patent No. 7,541,405 are commonly owned. This agreement runs with any patent granted on the above-captioned U.S. Patent Application and is binding upon the Assignee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim any terminal part of any patent granted on the above-captioned U.S. Patent Application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent granted on U.S. Patent Application 11/573,379, and U.S. Patent No. 7,541,405 in the event that either later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

S/N: 10/599,026

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The Terminal Disclaimer Fee in the amount of \$140.00 is enclosed. The Commissioner is hereby authorized to charge any fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 02-3978.

Respectfully submitted,

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